

**REMARKS**

Claims 1, 8, 11, and 22 are currently amended. Claims 10 and 27-43 are canceled without prejudice. New claim 44 is added. Thus, claims 1-9, 11-26, and 44 are pending in this application. Reconsideration of the pending claims is respectfully requested in view of the following remarks.

**Election/Restrictions**

Applicant hereby affirms the provisional election made in a telephone conversation with the Examiner to prosecute the invention of group I, claims 1-26.

**Drawing Objection**

The drawings were objected to under 37 CFR 1.83(a) for not showing every feature specified in claims. The Examiner stated that the claimed features pertaining to packaging and inspection must be shown or canceled from the claims.

Applicant has amended Fig. 1 to add a box with a reference numeral 15 upstream of arrow 13 in Fig. 1, which is described as “packages” in the specification (*see* page 11, lines 5-17 of the PCT application). This change is shown in the Replacement Sheet for Fig. 1 submitted herewith. The specification is also amended to add the reference numeral 15 in conjunction with the packages.

Applicant submits that an “inspection” apparatus is already shown at reference numeral 4 in Fig. 1 (*see* page 10, lines 26-27 of PCT application). Thus, the Examiner’s objection that features pertaining to inspection are not shown in the drawings appears unfounded.

Applicant therefore respectfully requests that the drawing objection be withdrawn.

Claim Objection

Claim 10 was objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

As claim 10 is canceled, the objection is now moot.

Rejection Under 35 U.S.C. § 112

Claim 22 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses.

Claim 22 is amended to delete the words “such as hydrolysis” from the claim. The “hydrolysis” limitation from claim 22 is now recited new claim 44, which is dependent on amended claim 22.

Applicant therefore respectfully requests that the rejection of claim 22 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 1, 2, 5, 7-11, 13-16, 23, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammar et al. (U.S. Patent No. 4,786,446) in view of Poler (U.S. Patent No. 4,402,579) and evidenced by Sakurada (Publication: “Polyvinyl Alcohol Fibers,” CRC Press; 1985). Applicant respectfully traverses.

Claim 1 is directed to a method of producing a plurality of soft contact lenses comprising:

- A. providing a sheet of solid, substantially dry material;
- B. forming said material into a plurality of shaped lens blanks through controlled application of physical force to the material; and
- C. hydrating said plurality of shaped lens blanks;

wherein at least immediately subsequently to said physical forming step B, said plurality of shaped lens blanks remain at least partially attached to the sheet of material.

Applicant submits that there is no teaching or suggestion in the cited references, either alone or in combination, of all the limitations recited in claim 1. In particular, there is no teaching or suggestion in the cited references that “at least immediately subsequently to said physical forming step B, said plurality of *shaped lens blanks remain at least partially attached to the sheet of material.*”

In contrast, Hammar describes a method of making individual contact lenses by placing polymeric materials in molds and then heating to thermoform the shaped lens (*see col. 6, line 50 to col. 7, line 8*). As acknowledged by the Examiner, Hammar does not teach forming a plurality of blanks on the same sheet, nor that the blanks remain attached to the same sheet after formation. (*See Office Action, p. 5*).

Poler discloses a method of making lenses (10) attached to haptic structures (11) in which the masks of Fig 4a and Fig 4b are used to protect areas of a sheet (12) during chemical or other etching (*see col. 3, lines 21-25*). Etching is defined in Poler as being an erosion technique (*see col. 7, lines 25-31*). Several unitary lens and haptic specimens can be formed with interconnections at the edges leading to an array of severably connected specimens thereby permitting automated handling (*see col. 4, lines 18-47*).

Poler does not teach or suggest that a plurality of lenses can be made that “remain at least partially attached to the *sheet of material*” from which they are formed. In contrast, Poler teaches that the etching process removes all parts of the sheet other than the lens specimens and haptic structures, with the lens specimens being linked to each other but completely removed from the sheet. Further, there is no teaching in Poler that would lead a person of ordinary skill in the art to the arrangement of the presently claimed invention in which the lenses remain attached to the sheet which allows the sheet to be used as a transport/carrying mechanism thus avoiding damage to the lens shaped blanks themselves during processing (*see page 5, lines 19-24 of the PCT application*). In

contrast, Poler teaches that an array of lens and haptic specimens can be handled directly (*see* col. 4, lines 32-36).

In addition, Poler does not teach or suggest a technique in which lenses are formed by the physical application of force, such as compressing a sheet between two forms or platens, but instead discloses the use of an erosive etching technique. The etching technique of Poler selectively erodes sheet material through a number of masking, etching, and mask removal steps thereby revealing the linked lens and haptic structures which are completely detached from the sheet. Such a process is not suitable for producing a plurality of lenses at least partially attached to a sheet, which requires the lenses to be separated from the remainder of the sheet without removal of the sheet material.

In contrast to the process of Poler, the presently claimed invention partially separates each of the plurality of lens shaped blanks from the sheet in a single operation using the physical application of force.

Therefore, although Poler teaches a process by which multiple interconnected lenses can be produced from a single sheet, it neither suggests that those lenses should remain partially attached to the sheet, nor teaches a process that could be readily adapted to produce such a result.

Additionally, adding the teachings of Sakurada does not cure the deficiencies of Hammar and Poler, which do not provide all the elements of the presently claimed invention, as neither reference discloses or suggests the use of physical force to produce a plurality of lens shaped blanks from a sheet of material that remains at least partially attached to the sheet.

Thus, even if the teachings of the cited references are combined as proposed by the Examiner, not all of the limitations of claim 1 are met.

Accordingly, claim 1 would not have been obvious over the cited references.

Since claims 2, 5, 7-11, 13-16, 23, and 24 depend from claim 1 and thus include all the limitations of claim 1, these dependent claims would also not have been obvious over the cited references for at least the same reasons as claim 1.

Applicant therefore respectfully requests that the rejection of claims 1, 2, 5, 7-11, 13-16, 23, and 24 under 35 U.S.C. § 103(a) be withdrawn.

Claims 3 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammar in view of Poler, and further in view of Hassan et al. (Publication: *Water Solubility Characteristics of Poly(Vinyl Alcohol) and Gel Prepared By Freezing/Thawing Processes*, Water Soluble Polymers; Plenum Press, 1998). Applicant respectfully traverses.

Claims 3 and 4 depend from claim 1 and thus include all the limitations of claim 1. As discussed previously, there is no teaching or suggestion in Hammar or Poler of all the limitations recited in claim 1. Adding the teachings of Hassan as proposed by the Examiner does not overcome the deficiencies of Hammar and Poler.

As a result, claims 3 and 4 would not have been obvious over Hammar and Poler in view of Hassan.

Applicant therefore respectfully requests that the rejection of claims 3 and 4 under 35 U.S.C. § 103(a) be withdrawn.

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammar in view of Poler, and further in view of Iwaseya et al. (Publication: *Effect of Degree of Saponification on Properties of Films Obtained from PVA/NaCl/H<sub>2</sub>O*, J Mater Sci 41 (2006). Applicant respectfully traverses.

Claim 6 depends from claim 1 and thus includes all the limitations of claim 1. As discussed previously, there is no teaching or suggestion in Hammar or Poler of all the limitations recited in claim 1. Adding the teachings of Iwaseya as proposed by the Examiner does not overcome the deficiencies of Hammar and Poler.

As a result, claim 6 would not have been obvious over Hammar and Poler in view of Iwaseya.

Applicant therefore respectfully requests that the rejection of claim 6 under 35 U.S.C. § 103(a) be withdrawn.

Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammar in view of Poler, and further in view of Miller et al. (U.S. Patent No. 4,652,721). Applicant respectfully traverses.

Claim 12 depends from claim 1 and thus includes all the limitations of claim 1. As discussed previously, there is no teaching or suggestion in Hammar or Poler of all the limitations recited in claim 1. Adding the teachings of Miller as proposed by the Examiner does not overcome the deficiencies of Hammar and Poler.

As a result, claim 12 would not have been obvious over Hammar and Poler in view of Miller.

Applicant therefore respectfully requests that the rejection of claim 12 under 35 U.S.C. § 103(a) be withdrawn.

Claims 17 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammar in view of Poler, and further in view of LeVa (U.S. Patent No. 5,166,528). Applicant respectfully traverses.

Claims 17 and 18 depend from claim 1 and thus include all the limitations of claim 1. As discussed previously, there is no teaching or suggestion in Hammar or Poler of all the limitations recited in claim 1. Adding the teachings of LeVa as proposed by the Examiner does not overcome the deficiencies of Hammar and Poler.

Hence, claims 17 and 18 would not have been obvious over Hammar and Poler in view of LeVa.

Applicant therefore respectfully requests that the rejection of claims 17 and 18 under 35 U.S.C. § 103(a) be withdrawn.

Claim 19 was rejected under 35 USC § 103(a) as being unpatentable over Hammar in view of Poler, and further in view of Voss et al. (U.S. Patent Application Pub. No. 2004/0112008). Applicant respectfully traverses.

Claim 19 depends from claim 1 and thus includes all the limitations of claim 1. As discussed previously, there is no teaching or suggestion in Hammar or Poler of all the limitations recited in claim 1. Adding the teachings of Voss as proposed by the Examiner does not overcome the deficiencies of Hammar and Poler.

As a result, claim 19 would not have been obvious over Hammar and Poler in view of Voss.

Applicant therefore respectfully requests that the rejection of claim 19 under 35 U.S.C. § 103(a) be withdrawn.

Claims 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammar in view of Poler and Voss, and further in view of Jux (U.S. Patent No. 6,474,465). Applicant respectfully traverses.

Claims 20 and 21 depend from claim 1 and thus include all the limitations of claim 1. As discussed previously, there is no teaching or suggestion in Hammar or Poler of all the limitations recited in claim 1. Adding the teachings of Voss and Jux as proposed by the Examiner does not overcome the deficiencies of Hammar and Poler.

Thus, claims 20 and 21 would not have been obvious over Hammar in view of Poler and Voss, and further in view of Jux.

Applicant therefore respectfully requests that the rejection of claims 20 and 21 under 35 U.S.C. § 103(a) be withdrawn.

Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammar in view of Poler, and further in view of Herbrechtsmeier et al. (U.S. Patent No. 6,113,817). Applicant respectfully traverses.

Claim 22 depends from claim 1 and thus includes all the limitations of claim 1. As discussed previously, there is no teaching or suggestion in Hammar or Poler of all the limitations recited in claim 1. Adding the teachings of Herbrechtsmeier as proposed by the Examiner does not overcome the deficiencies of Hammar and Poler.

As a result, claim 22 would not have been obvious over Hammar and Poler in view of Herbrechtsmeier.

Applicant therefore respectfully requests that the rejection of claim 22 under 35 U.S.C. § 103(a) be withdrawn.

Claims 25 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammar in view of Poler, and further in view of Biel et al. (U.S. Patent Application Pub. No. 2002/0163638). Applicant respectfully traverses.

Claims 25 and 26 depend from claim 1 and thus include all the limitations of claim 1. As discussed previously, there is no teaching or suggestion in Hammar or Poler of all the limitations recited in claim 1. Adding the teachings of Biel as proposed by the Examiner does not overcome the deficiencies of Hammar and Poler.

Hence, claims 25 and 26 would not have been obvious over Hammar and Poler in view of Biel.

Applicant therefore respectfully requests that the rejection of claims 25 and 26 under 35 U.S.C. § 103(a) be withdrawn.



Serial No.: 10/597,172

Filing Date: 9/10/2008

Attorney Docket No. 141.016US01

Title: MOULDING PROCESS

---

**CONCLUSION**

Applicant respectfully submits that all of the pending claims are in condition for allowance and notification to that effect is earnestly requested. If necessary, please charge any additional fees or credit overpayments to Deposit Account No. 502432.

If the Examiner has any questions or concerns regarding this application, please contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: December 11, 2009

/GREGORY M. TAYLOR/

Gregory M. Taylor  
Reg. No. 34,263

Attorneys for Applicant  
Fogg & Powers LLC  
5810 W. 78<sup>th</sup> Street, Ste. 100  
Minneapolis, MN 55439  
T – (952) 465-0770  
F – (952) 465-0771